

Patent Number: 6,505,391 B1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 6,505,391 B1

Patent Date: 2003 Jan 14

Applicant: Philippe Berna

Patent Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE  
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A  
DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2006, March 12, Sun

AFFIDAVIT

Outstanding decision of Senior Legal Advisor Kery A. Fries mailed December 20,  
2005 on petition of July 11, 2003

Hon. Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

I hereby declare that I ever and only filed continuous applications under former rule  
62 in the spirit of making requests for continued examination of my patent  
application.

I declare further that above statement is true and is made with the knowledge that  
willful false statements and the like are punishable by fine or imprisonment, or both  
(18 U.S.C. 1001) and may jeopardize the validity of my patent.

Very respectfully submitted,

*Philippe* BERNA

Philippe Berna, Petitioner Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

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SUBMISSION SO THAT A LATER DATE COULD BE SET, FOR REASON OF  
FORCE MAJEURE, AS THE BEGINNING OF THE PERIOD FOR RESPONSE TO THE  
DECISION ON THE PETITION FILED ON JULY 11, 2003.

Outstanding decision of Senior Legal Advisor Kery A. Fries mailed December 20,  
2005 on petition of July 11, 2003

Hon. Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

The copy of the decision on the petition filed on July 11, 2003 that was sent to  
petitioner was given Dec 20, 2005 as mail date. However, on Saturday, Jan 7, 2006,  
i.e. 18 days later, this copy had not yet reached my office, perhaps because of the  
holidays ending 2005 year. On Jan 9, 2006, we left our home and office in the early  
morning for one month to be spent in the United States for business (3 main events:  
AMA Convention Show in Ontario, CA – Jan 13 to 15, 2006 -, APMF bi-annual  
Conference for lectures in Orlando, FL – Jan 21 & 22, 2006 – and a Dollhouse and  
Miniatures Show in San Diego – Feb 4 & 5, 2006 -). AMA is for Academy of  
Model Aeronautics and APMF is for Association of Professional Model Makers.  
Should this copy have reached my office by January 8, 2006 (it could have been  
facsimile transmitted as it was used to be recommended on the PTO Home page), I  
would have taken it with me for preparing the response using my laptop and all past  
documents saved on CDs and DVDs during my stay in the USA.

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In addition, the next day after our return (on Feb 9, 2006), perhaps groggy by the jet lag (9 hours) and the duration of the flights, I walked rearwards one step too many on my office floor (for replacing a printer) and I fell in the staircase. I was very lucky. I could kill myself. I just got a traumatism with an eyebrow arch broken, some bruises and the most annoying, my right fist immobilized in resin for 4 weeks, because its ligaments detached themselves from a bone. My fingers were fortunately free out the resin. But I was still handicapped, if only to write by hand, because of the thickness of the resin wrapping. I could hardly sign (see the request I filed on last February 25). I was forced to take a rest after this shock.

As a result, I could open the envelope containing the decision copy only on the day before yesterday, Feb 23, 2006. I left a message in the voice mailbox of Nancy Johnson same day.

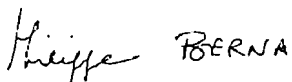
You will find below a copy of the passenger receipts for the flights to and back from the United States followed by the reproduction of the certificate (in English) of my showing up to the emergency room of the Bonnefon clinic.

I had to wait till February 25, 2006, a Saturday, for getting the emergency room certificate, because the MD who wrapped my fist into resin only works on weekends.

I needed just thirteen days from the day I got Petitions Attorney Nancy Johnson on phone (on February 27, 2006) to file a response to outstanding decision by fax. In view of the duration of the petition examination (almost 2 years and a half), thirteen days ought to be considered as short.

So I beg you to have set January 13, 2006 as new initial date for the period for response to the outstanding decision because of force majeure.

Very respectfully submitted,

BERNA

Philippe Berna, Petitioner Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

<b>OPATB 2</b> PASSENGER TICKET AND BAGGAGE CHECK BILLET DE PASSAGER ET RECU BAGAGES A RECHERCHER POUR LES AGENCES DE VOYAGES A RECHERCHER POUR LES AGENCES DE VOYAGES A RECHERCHER POUR LES AGENCES DE VOYAGES		<b>RECUPASSAGER</b> <b>PASSENGER RECEIPT</b> 1 OF 1 08DEC05 7906 TT / RA DATA-BSP 27001 20223265		MRS ATL AF 0316 T 09 JAN 13 14 ATL AF 0316 T 09 JAN 13 14 SAN AF 8538 T 09 JAN 13 14 LAX NM 2546 V 08 FEB 13 WINTER AMS NM 8602 V 08 FEB 13 WINTER MRS NM 8815 V 09 FEB 13 WINTER	
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[illegible]

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**CLINIQUE BONNEFON**  
MAISON DE SANTÉ PROTESTANTE D'ALÈS

*Soins urgents*

Docteur Marc BORGHERO  
30 1 00647 4

× Docteur Anne-Lise PERRIER-SAUTEL  
30 1 03418 7 0 1 25 1

Docteur Anne DAMIGNY-DI CASTRI  
30 1 033023 0 1 25 1

Alès, le 25.02.06

Testify hereby that I've examined  
Mr Philippe Bena on February 17 / 2006  
at the emergency room, Clinic Bonnefon / Alès.

He presented with a swollen right fist  
and Radiographic showed that ligaments  
were detached from the os pisiforme  
(first bony block).

His fist had been immobilized in resin  
(duration 4 weeks).

Dr Santamaría Andrés  
Médical Director

*[Signature]*  
M D Santamaría Andrés

45, avenue Carnot - BP 189 - 30104 ALÈS Cedex - Tel 0820 297 330 - Fax 04 66 56 34 10  
Clinique Bonnefon - [www.bonnefon.fr](http://www.bonnefon.fr)  
Association sans but lucratif reconnue d'utilité publique. Décret du 8 octobre 1977 - CXP MONTPELLIER 14956C

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper of eleven pages including this one is being facsimile transmitted to the Patent and Trademark Office (Petition Office) on the date shown below.

**Philippe Berna**

*Philippe* BERN A

**Signature**

**03/12/2006**

**Date**